THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.19120 OF 2005

Dated 30-09-2005

Between:

Sangam Venkataiah,

Prakasam District.

…Petitioner

A n d

Indian Oil Corporation Limited,

Rep. by its Sterritory Manager,

Vijayawada and others.

…Respondents

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W.P.NO.19120 OF 2005

ORDER:

The 1st respondent invited applications for grant of its Retail Outlet Dealership at Kanigiri. The petitioner, 3rd respondent and two others submitted their applications.

On a consideration of the same, respondents 1 and 2 selected the 3rd respondent for the dealership. The petitioner challenges the same.

The petitioner submits that the evaluation of the merits of the candidates is undertaken on several heads, *such as*, land and infrastructure, financial capability, educational qualifications, business capability, age etc., and in almost all those aspects, the petitioner is entitled to be evaluated, better than the 3rd respondent. Learned counsel points out that the 3rd respondent was awarded more marks, than what he deserves, on the aspects of age, business capability, land and infrastructure.

When the writ petition came up for admission on 30-08-2005, this Court directed notice to the 3rd respondent, and granted time to the learned Standing Counsel for respondents 1 and 2, to file counter affidavit. Sri P.V.Sanjay Kumar, learned standing Counsel for the respondents 1 and 2, has filed counter affidavit, and has made available the relevant record.

Heard Sri O.Manohar Reddy, learned counsel for the petitioner, Sri P.V.Sanjay Kumar, learned Standing Counsel for the respondents 1 and 2, and Sri P.B.Vijay Kumar, learned counsel for respondent No.3.

The scope of interference, in the matter of selection of dealers, is very limited, and is confined to the examination, as to whether the procedure stipulated by the respondents 1 and 2 has been followed by the evaluating agencies. The parameters,
that are adopted, in the matter of evaluation; are so objective, that the element of discretion is reduced to minimum possible limits.

The evaluation of the eligibility of the candidates is entrusted to a Dealer Selection Committee, comprising of three members. The learned Standing Counsel has made available the record, maintained by the members, in this regard. In the ultimate analysis, it emerged that the petitioner was awarded 84 marks; whereas the 3rd respondent was awarded 85.7 marks. The assessment of the merit, by the members of the committee, is so objective, that there is not much of a difference, and in fact, one of the members has slightly awarded more marks to the petitioner, than the 3rd respondent. To allay the doubt of the petitioner, the award of marks, on each of the aspect, has been taken into account by this Court. The age of the petitioner is in the

group of 26 to 45 years,

and was accordingly awarded 4 marks, as per the relevant rules. The age of the 3rd respondent was also found to be in the same group, and it is supported by his date of birth.

In that view of the matter, this Court does not find any basis to interfere with the selection of the 3rd respondent. The writ petition is accordingly dismissed. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.30-09-2005.

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